IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 8698 OF 2006

Narmada Estate Private Limited and another ..Petitioners

Versus

The Council of Architecture and others ...Respondents

Mr. M.J. Jamdar for the petitioners.

CORAM: **H.S. BEDI, C.J.,** &
V.M. KANADE, J.

DATE: **JANUARY 08, 2007**.

P.C.

Two grievances have been raised by the petitioners in this petition, firstly, as regards the facts of the case that the Respondent-Architect has shown the road to be 10 meters wide whereas in fact it should have been only 30 ft. wide, and secondly that the impugned order at Annexure-F was not in accordance with law as no reasons for its making had been given as was required in view of the judgment of this Court in the case of *Herat R. Parmar (Ms.)* vs. *Maharashtra Medical Council and others* [2002 (1) Mh. L.J. 846] . We are of the opinion, however, that this matter ought to be dismissed even on the facts as a very small difference exists between 30 ft. and 10 mtrs. and

as such the question of negligence on the part of the Architect can hardly be a matter of concern. We also find that the cited judgment pertains to a case of medical negligence whereas the present matter has been dealt with in terms of Rule 7 of the Council of Architecture Rules, 1973, and this procedure has been adopted. We, thus, find no merit in the writ petition. Dismissed.

CHIEF JUSTICE

V.M. KANADE, J.